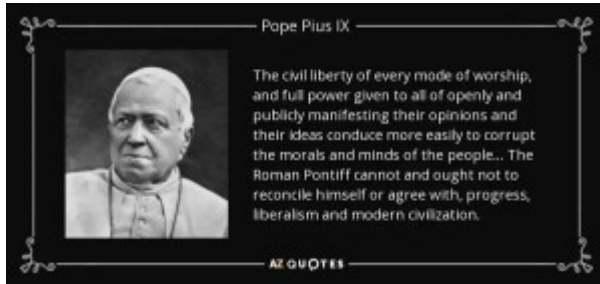


The Papacy And The Civil Power –

Chapter XVIII. Resistance to Civil Power



Continued from [Chapter XVII. Coercive Power of the Church.](#)

Adrian IV and the grant of Ireland to England.—Ireland brought within the jurisdiction of Rome in the twelfth century.—Enlargement of the papal power.—Secular power administered by commission from the Pope.—Gregory VII and Innocent III.—The Fourth Lateran Council establishes the faith that institutions prejudicial to the Church should not be observed.—Papal doctrine in regard to oaths. Urban VI, Eugenius IV, and Innocent III.—Nature of the oath exacted by Innocent III from King John.—Subjects all governments to the Pope.—Effect in the United States.—Constitutional oath of allegiance.—Its obligation.—The papal theory on that subject.—Oaths opposed to the welfare of the Church not binding.—Unlawful oaths not binding.—What are lawful, and what are unlawful.—The papal principle applied to the government of the United States.—The papal argument by Balmes. Resistance to civil power usurped.—When it is usurped.—When legal, and when illegal.—Governments *de jure* and *de facto*.—Obedience to the last not obligatory.—May be recognized from prudential motives.—Government of the United States is *de facto*.—The monarchies of Europe, when obedient to the Pope, are *de jure*.—The doctrine of consummated facts denied.—Illegitimate authority cannot become legitimate by time.—Rendering to Caesar the things that are Caesar's only requires obedience to legitimate governments.—Legitimate governments are only such as are based on the law of God.—That of the United States is not legitimate.

The dignity and power acquired by the Roman Church by means of the exercise of its spiritual jurisdiction, however great, was not sufficient to answer the ends and gratify the ambition of the medieval popes. The frequent efforts of the Italian people to establish republican institutions, which were often attended with the expulsion of the popes from Rome, were not intended as a denial of that jurisdiction, in the proper sense, but as the means of limiting it to its own ecclesiastical sphere.

But the popes were not satisfied with this. With them, republicanism was synonymous with heresy, which they resolved to uproot with all the power necessary to that end. They denied, totally, the right of any people to make the laws or mold the institutions under which they were to live. Therefore, when Arnold of Brescia preached at Rome against their temporal power, and in favor of a republican form of government, the people were so incensed against Adrian IV that they drove him out of the city. And when he was afterward restored to his see by the army of Frederick Barbarossa—who delivered Arnold to him, in consideration of his coronation as emperor—he consigned his patriotic victim to death at the stake and held the Roman people in

subjugation by force.(*)

* "History of Germany," by Menzel, Bohn's ed., vol. i., p. 459; "History of Germany," by Lewis, p. 189; "Medioeval Kings," by Busk, vol. i., p. 358; "Temporal Power of the Papacy," by Legge, p. 49.

Thus, also, we find this same pope authorizing the like subjugation of Ireland by the English king, and consigning its peaceful and Christian people to the merciless cruelties of Henry II., upon the ground that it was a portion of "the patrimony of St. Peter and the Holy Roman Church;" and this, too, notwithstanding the Irish Church had grown up independently of Rome; had derived its faith from the canons of St. Patrick, and not from those of the Roman Church; had appointed and consecrated its own bishops and priests; had held its own synods; and had received the pallium from the pope only three years before the commencement of Adrian's pontificate. (*)

The pallium is an ecclesiastical vestment in the Catholic Church, originally peculiar to the pope, but for many centuries bestowed by the Holy See upon metropolitans and primates as a symbol of their conferred jurisdictional authorities, and still remains a papal emblem. – From Wikipedia



Pallium

* The pallium is the universal "symbol of ecclesiastical union and dependence," the "insignia of investiture," by which alone the pope imparts "a portion of his

own primatial authority.”—*Universal Church History*, by Alzog, p. 693, and note (3) by American translators. Malachy, the Irish Archbishop of Armagh, solicited the pallium, for the first time, from Innocent II., but he refused it. It was afterward granted by one of his successors, and was carried to Ireland, in 1151, by his legate—so that the union of the Irish Church with that of Rome was nearly a hundred years after the conquest of England by the Normans, and nearly seven hundred years after the death of St. Patrick. The transfer of Ireland to England was the first jurisdictional act of the pope, after the ecclesiastical investiture which followed the granting of the pallium; and it was done under such circumstances as to authorize the conclusion that it arose from a combination between Henry II., the pope, and the Archbishop of Canterbury, his primate in England, that the pallium should be granted for the express purpose of bringing the country under the papal jurisdiction, in order to give—according to the prevailing belief—the divine sanction to the subjugation of the Irish people, and the exaction from them of tithes for the support of the popes and the maintenance of their royalty.—*History of Ireland*, by M. F. Cusack, Nun of Kenmare, pp. 231, 232; *Norman Conquest*, by Thierry, vol. ii., pp. 143, 189; *History of England*, by Hume, Harper & Brother’s ed., vol. i., p. 329; *History of England*, by Rapin, vol. iii., pp. 50–54; *Latin Christianity*, by Milman, vol. iv., p. 264; *Eccl. Hist.*, by Jones, London ed., vol. ii., pp. 70, 71, citing M. Paris’s history, p. 67; *History of England*, by Lingard, vol. li., pp. 89, 90.

The idea that all this enormous and comprehensive power was derived from the pretended donation of Constantine was fast becoming obsolete, for the reason that if that were its only foundation, it would be circumscribed within too narrow limits. To enlarge rather than curtail it was what the popes of that age specially sought for. Hence they maintained the more steadily the idea of their own personal infallibility, in order by means of it to engraft upon the faith of the Church the doctrine that their temporal power was derived from Christ through Peter; and therefore, having that origin, was not confined to the Papal States, but extended to the entire world, and subjected all nations and peoples to their dominion, within the domain of morals no less than that of faith. This domain was considered as almost without limitation, or, at all events, as broad enough to include, not only the entire conduct of individuals in their public and private intercourse, but all such secular action of nations as involved questions of public or private morality. Thus, monarchs were to hold their crowns and exercise their royalty at the will of the reigning pope; nations were to execute only such laws as he considered in conformity to the divine law, and to abrogate those which were not so; and he was to intervene between them and their citizens at his own discretion, and release them from their allegiance, and turn over their territorial possessions to the dominion of those who would obey his commands and execute his will. “Secular power was only to be tolerated, as secular princes avowedly exercised it, by commission from the pope.” (Legge, p. 50.)

This doctrine had continued to grow and strengthen from the time when Gregory VII., the great Hildebrand, had excommunicated and deposed Henry IV., Emperor of Germany, and released all his subjects from their allegiance to him. Each of the succeeding pontiffs of the eleventh and twelfth centuries had avowed it whenever they could safely venture to do so. But it remained for Innocent III., one of the leading and ruling spirits of the age, to make it a part of religious faith, by ingrafting it, by virtue of his infallibility, upon the dogmas of the Church. His towering and unsatisfied ambition stimulated him to

use it as the means of making himself "the general arbiter of differences and conservator of the peace throughout Christendom." ("Middle Ages," by Hallam, Harper & Brothers' ed., chli. vii., p. 287.)

His proud spirit chafed at the thought that any earthly potentate should equal him either in greatness or authority. Therefore he required that "all disputes between princes" should be referred to him; and if either party should refuse "to obey the sentence of Rome, he was to be excommunicated and deposed," and a like penalty was to be visited upon those who refused to attack whatsoever "refractory delinquent" he should point out. (*Ibid.*)

Forfeitures, interdicts, excommunications, and every other form of ecclesiastical censure and punishment, were of almost daily occurrence. Even such monarchs as Philip Augustus and Henry IV. quailed before him, and Peter II. of Arragon and John of England—as we have seen—ignominiously consented to convert their kingdoms into spiritual fiefs, and to hold them in subordination to him, upon the condition of paying an annual tribute. By virtue of the claim of infallibility, the power of arbitrary papal dispensation was carried to its extremest limit, even to the assertion and exercise of the right to infringe the canons of the Church. "Innocent III. laid down as a maxim, that out of the plenitude of his power he might lawfully dispense with the law;" (*Ibid.*, p. 293.) and caused the Fourth General Lateran Council to insert among its canons one which provided "that the constitutions of princes which are prejudicial to the rights of the Church shall not be observed;" (*)—thus establishing this as a fixed principle of the canon law, and, consequently, as a part of the religious faith of the Church.

* "Eccl. Hist.," by Du Pin, vol. xi., p. 100. This is the same council referred to in a former chapter, by one of the canons of which it was provided that heretics should be extirpated, and that whenever, upon proper notice, any prince should fail or refuse to do so, his dominions should be forfeited to the pope, who should turn them over to some one who would perform that duty.—See Du Pin, vol. xi., p. 96.

It did not take long to carry this doctrine of dispensation to the extent of applying it to the observance of oaths, and to find in the Decretals this provision: "That an oath disadvantageous to the Church is not binding; and that one extorted by force was of slight obligation, and might be annulled by ecclesiastical authority." (*)

* "Juramentum contra utilitatem ecclesiam praestitum non tenet." Hallam, p.293 and note; "Church History," p.201, by Fry, London. It has undoubtedly become the settled law of the Roman Church that the pope may dispense with any promissory oath by withdrawing the promise or prohibiting its performance. The doctrine is thus laid down by an author greatly distinguished in the Church for his learning. In answering the objection that the obligation of an oath is of natural and divine right, and therefore that it cannot cease to be binding through dispensation, commutation, or veto, he says: The consequence is denied, because through dispensation, etc., it is brought about, that that which was included under the oath, by withdrawing, prohibiting, etc., is not included under the oath, and so

there is nothing done contrary to the oath. ("Neg. cons. quia per dispensationem, etc., efficitur, 'ut id, quod sub juramento cadebat, sub juramento non cadat subtrahendo, prohibendo, etc., et ita non fit aliquid contra juramentum.'—S. Th. 2, 2, q. 89, a. 9, ad. 1.")—*Theologia Moralis et Dogmatica*, by Peter Dens, Dublin ed., 1832, vol. iv., No. 177, p. 216. The same author goes one step farther, and says: "And then in every oath there is this condition: 'the right of the superior is reserved.'" ("Deinde omni juramento inest hec conditio: 'salvo jure superioris.'")—*Ibid.*

Instances are numerous to show the effect of these teachings upon the lives and conduct of the popes, and Mr. Hallam gives two memorable ones by way of illustration—that of Urban VI., who promulgated a solemn and general declaration against keeping faith with heretics; and that of Eugenius IV., who, acting upon this principle, annulled compacts with the Hussites by releasing those who had sworn to them, and made the King of Hungary break his treaty with Amurath II., absolving him from his promise "on the express ground that a treaty disadvantageous to the Church ought not to be kept." (Hallam, p. 293 (note), citing Sismondi, t. ix., p. 196, and Rymer, t. vii., p. 352.)

These instances are dwarfed before the more flagrant exercise of the same power by Innocent III. in the advancement of his schemes of temporal policy. At the very beginning of his pontificate he required the Roman prefect to take the oath of allegiance to himself, when it was his duty to take it to the emperor, from the obligation of which duty he released him. He asserted the right to punish offenses against the civil law, and "to interpose with his judgment and annul the decisions of the civil tribunal." He reminded the inhabitants of the Tuscan States, who owed allegiance to the emperor, "that there were two great lights in the social heaven, having their seat in Italy, the lesser of which, the imperial authority, received its light from the greater, the Papal See."

He fulminated against Otho, Emperor of Germany, a bull of excommunication; released his subjects from their allegiance to him, and stirred up a rebellion against him and in favor of Frederick, the youthful son of Henry VI.

As we have seen at another place, he released King John from the oath he had taken before the barons at Runnymede, to observe and enforce the salutary provisions of Magna Carta; and, concentrating, as it were, all his enormous claim of power in a single expressive thought, he proudly announced the maxim, that "the pope, in virtue of the plenitude of his power, might dispense even with rights." (Legge, pp. 53–56.)

The very nature of the oath exacted by Innocent III. of King John shows the inordinate ambition of the one and the pusillanimity of the other. Lingard says, "He swore that he would be faithful to God, to the blessed Peter, to the Roman Church, to Pope Innocent, and to Innocent's rightful successors." (Lingard, vol. ii., p. 165.) This oath was extorted by the papal interdict, which closed all the churches in England and left the dead to go unburied, and by the terrible thunder of excommunication. It placed the English king at the feet of the pope, and the entire destiny of the English people in his

hands, to be disposed of, not as their wants and interests demanded, but as the wants and interests of the papacy and the welfare of the Roman Church required. What wonder, then, that, at the very beginning of the Reformation in England, an earnest protest was made against this absorption by the pope of all the civil power of the Government, and this plotting to destroy the last vestige of popular authority. This protest might have been heard in the mutterings of discontent among the body of the people; but it was unavailing, except as the measures already narrated grew gradually out of it.

Wycliffe, a hundred years after the papal conquest of England, and two hundred years before Luther, maintained, in the face of all the powerful and persecuting prelates in the kingdom, that the nation had forfeited her dearest rights by so long consenting that the crown should be held as a fief of the See of Rome; and that the king could properly and rightfully administer the government, even though, at the same time, he refused any tribute to the Pope of Rome. Pointing out the life and example of Christ, who was "unwilling to become a ruler in civil matters," and did not teach his disciples to seek after civil dominion—he declared, "Therefore it behooves us to require that the pope should be observant of his religious obligations after this pattern. It is clear," said he, "that we are bound to resist him in the exaction of a condition which call not be proper to him, as being purely civil." ("Day of Rest," London, vol iii., part v., p. 238.)

Wherein does the difference consist between the claim of papal power and prerogatives in the time of Wycliffe and the present? The infallibility of the pope means now just what it did then, with whatsoever has been done and said by all the popes and in all the centuries since superadded, as the means of overcoming the increased power of resistance among the people of the advancing and progressive nations. The doctrine runs back to the remotest times so as to include every assertion of pontifical power made by any of the popes from the beginning, and concentrates it all in the present. If any single pope, by virtue of "the primacy of St. Peter," struck nations out of existence, dethroned monarchs, released subjects from their oaths of allegiance, appointed rulers for the people without their consent, extirpated heretics by fire and sword, dispensed the obligation of the most solemn oaths on the part of others, and violated their own, then may the present or any future pope do any or all of these things infallibly, whensoever it shall seem to him that the interests of the Roman Church require it. There is no word in any language more comprehensive than the word *infallibility*. It embraces everything in the past, the present, and the future. Even while its earthly possessor remains in the world, it elevates him above the world, and makes him a co-partner with God in the exercise of divine power.

Keeping these things in mind, we shall be the better enabled to apply the doctrines of the papacy to the condition of things in our own country, and to understand what the present pope expects and requires of those citizens who recognize him as a "*domestic prince*" within the territorial limits of the United States. We have nothing to do, now, with the question how far and how many of these citizens will render obedience to any demands he shall make: it is but just to assume that multitudes of them will not, when they may be pressed to the extremity of impairing any of the fundamental principles of

the Government. But we have directly and immediately to do with the papal doctrines he is now so assiduously laboring to re-establish, so that we may fully comprehend them, in all their length and breadth, and understand wherein, if successfully established, they will assail the integrity of our institutions.

The people of the United States, appreciating the advantages and distinctive features of their Government, have wisely and unselfishly provided a mode by which those born in other countries may enjoy, to a like extent with themselves, all these advantages. They have provided by their naturalization laws that an alien may become a citizen; and, in return for this valuable privilege, have required of him only that he shall take an oath of allegiance to the Government, whereby he shall swear that he "doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever." Such an invitation to citizenship in a free government, extended to those who have felt the burden and pressure of absolutism, commends itself to the admiration of mankind. It stamped our Government, from the beginning, with a degree of liberality hitherto unknown among the nations.

That oaths of allegiance are sometimes taken by those who regard them as mere form, and as having no binding obligation upon their consciences, is unquestionably true. There are very few who have not realized the truth of this, in their own experience and observation. But it is equally true that a large majority of those who become naturalized citizens of the United States become so with a full and proper appreciation of the binding nature of the allegiance they assume, and with the determination to discharge, faithfully and honestly, all the obligations which attach to their new relations. Innumerable considerations combine thus to influence them, apart from the mere integrity of personal motive and conduct. Chief among these is the fact that, by coming here, they have sought to escape the consequences of monarchical rule, and to better their condition by enjoying the protection of civil institutions which recognize the people, and not a monarch, as the authors of the law; and where they, by also becoming law-makers, may increase the sense of their own personal dignity and importance in society, and thus elevate themselves and their posterity. It is altogether natural that, after obtaining privileges of so much personal and social importance, they should be unwilling to forfeit or lose them by any act of their own.

But, while this is readily and cheerfully conceded to the bulk of our naturalized citizens, the fact cannot and should not be disguised that there are some among them whose minds are impressed, or liable to be impressed, with the belief that, although they have improved their condition by coming to this country, it may be yet further improved by the establishment of an independent ecclesiastical hierarchy, with authority to subordinate the Government to such laws and regulations as they, under the direction and dictation of the pope, shall consider necessary to bring the people under subjection to the Roman Catholic Church. Their liability to this impression is the result of their education, which is called religious, because it is received alone from priests, acting as officers of their Church. One of the first principles taught them is the belief that as the laws of God are higher

than the laws of man, and the eternal welfare of their souls of more importance than all secular and temporal things, therefore the State must obey the Church, and not be permitted to enact or enforce any law which the Roman Catholic Church, or the pope, as its infallible head, shall consider inconsistent with the divine law, the faith of the Church, or good morals.

Under the influence of this teaching, it is difficult for them to realize the wisdom and virtues exhibited by our fathers in resorting to revolution to throw off the authority of the British crown, and substituting for it the authority of the people. They have a sort of undefined idea that the people should be permitted to make the laws by which they are to be governed; and this idea, which arises naturally in all minds, might be developed into positive belief in theirs, and probably would be, if it were not that the faith and teachings of their Church, as interpreted and explained to them by their priests, forbid it. For fear that they may be influenced by it, they are held under the strictest surveillance by these priests, who employ every opportunity to remind them that they owe higher allegiance and duty to the Church than to the State, and must obey the pope at every and any cost, even though, by doing so, all human governments and laws should be destroyed. They are required to believe that this obedience to the pope is obedience to God, because God has placed the pope above all human governments and laws, with power, as his only infallible representative on earth, to require and command obedience to all his decrees upon matters of faith and morals. And the utmost precaution is observed by the papal hierarchy to exclude such impressions as would naturally arise in their minds from the contemplation and enjoyment of our liberal institutions, and especially from their participation in the management of public affairs.

In this their vigilance is extreme, and exhibits itself most strikingly in prohibiting them from permitting their children to mingle with ours in our common schools, because they are provided by the State; and because, in order that they may comprehend and understand the structure of the Government, the pupils are taught that the people are the primary source of all our laws, and not the pope or the Church, and that every citizen of the United States is bound to pay obedience to them; the pope, the Church, and all the kings and princes of the earth to the contrary notwithstanding.

Few things are so wonderful as the readiness with which many of the Roman Catholic part of our population, especially among those who are naturalized, accept these teachings and act upon them; while, at the same time, they are unwilling to admit, or are too ignorant to realize, their inevitable tendency—which is, that they are training and educating their children in the belief that our Government is altogether wrong in separating Church and State; that our fathers were wrong in resorting to revolution to get rid of monarchy; that it is wrong for the people to make their own laws; and that the only form of government upon which the blessing of God can rest is that wherein the Church shall govern the State, and the pope the Church. They fail to see that, by these means, they are aiding in the erection of a “State within the State,” whose authority will be sufficient, if its exercise be permitted, to regulate the Government and society by its laws, and to compel obedience to them by force, whenever it shall become necessary to resort to

it. They fail also to see that this state of things cannot exist so long as our form of government shall stand, and that those who require them to aid in producing it would not hesitate to sacrifice the Government itself if by that means they could establish their hierarchical system.

And, since such is the position in which many of our Roman Catholic population stand, it is in every possible sense important that the country should realize to what point their present subserviency to the papal hierarchy may by possibility lead them, unless something be done to counteract its influence. In order to do this intelligently, it is necessary to understand how far their oath of allegiance is considered by the Roman Catholic hierarchy as standing in the way of their complete obedience and submission to the pope, whenever he shall consider that the interest of the Church requires any change in our plan of government, or disobedience to any of our laws.

The obligation of an oath is understood to arise out of the law authorizing it. Although it binds the conscience, in a moral sense, in whatever form it may be taken, yet if not taken pursuant to law its violation does not amount to perjury. An invalid law is universally held as no law at all, although it may possess the ordinary forms. Hence, if an oath is required by a law which is null and void, on account of its violation of constitutional or fundamental principles, no legal consequences attach to its violation—the violator being left to settle the matter with his own conscience. Hence, also, if our naturalization laws require allegiance to institutions which oppose the fundamental principles of Christianity as maintained by the papacy, and are therefore, in the opinion of the pope, invalid, the papal hierarchy readily infer that the violation of this allegiance would involve no crime whatever, but, on the contrary, would arise out of the obligation of duty to God and the Church. And hence, again, if this violation be merely a matter of conscience, and the pope possesses the power—as standing in the place of God—to dispense with all merely conscientious obligations, then a dispensation from him would place all Roman Catholic violators of the oath of allegiance right before God and the Church. To comprehend properly the results which might ensue from this mode of reasoning, it is necessary to inquire into the doctrines and teachings of the Roman Catholic Church in relation to oaths—their nature and obligation.

The reader will remember the reference heretofore to a controversy carried on, some years ago, between the Right Rev. John England, Roman Catholic Bishop of Charleston, South Carolina, and the Rev. Richard Fuller, a Baptist minister of Beaufort, in the same State. (*) Being afterward published in book form, under the auspices of Bishop England, it is proper to assume that what he has there said is a just and fair exposition of the doctrines of his Church.

* Ante. This book, entitled "Concerning the Roman Chancery," etc., was published in 1840, by Fielding Lucas, Jun., of Baltimore, and by John P. Beale, Charleston.

A book was published as late as 1874, at Rome, with the special endorsement of Beckk, the General of the Jesuits, and with the approbation of the Propaganda

Fide, and therefore of the pope, wherein the obligation of a promissory oath is thus stated: " Nunquam obligatur juramento, qui rem malam juravit; imo dupliciter peccat, si juramentum adimpleat, nempe contra religionem, et virtutem, cui opponitur materia juramenti.—S. Lig., n. 176." TRANSLATION: One is never bound by an oath who has sworn to do an evil thing, for he sins doubly if he shall perform his oath against religion and virtue, to which the substance of the oath is opposed.— *Theologia Moralis*, P. Joannis Petii Gury, S. J., Rome ed., vol. i., p. 310.

Among other accusations made against this Church by Mr. Fuller, this was a prominent one, which could not fail to arrest public attention and excite inquiry: that the Third Lateran Council, held in 1179, made not only falsehood, but perjury, a virtue when practiced in behalf of the Church. So grave a charge as this greatly excited Bishop England, and drove him, after some ingenious equivocation, to an explanation of the doctrines which had been established by his Church. He endeavored at first to parry, with true hierarchical adroitness, the home-thrusts of Mr. Fuller; but the latter was too able and learned a disputant to allow this, and the bishop was at last driven to a degree of particularity which, in all probability, he did not contemplate at the beginning of the controversy. His language should command the most serious attention. He said:

"Among Catholics, sir, perjury is the violation of a lawful oath, *or the taking of an unlawful one*. Thus, if we swear to declare the truth, and do not declare it, it would be perjury; and should a man attempt to bind me by the form of an oath to declare a falsehood, I would be guilty of perjury, in going through the form to tell a lie, but I am *obliged to go against the words by which I appeared to be bound*, because it is no oath, but a perjury. An oath cannot be a bond of iniquity. A conspirator who has sworn with his fellows to commit robbery or murder is not bound by his oath. In fact, it is no oath; to be an oath it must have three qualities, viz., truth, judgment, and justice: *the defect of either renders it no oath*." ("Letters Concerning the Roman Chancery," p. 157.)

Here the distinctive principle is announced that an *unlawful oath* cannot be taken without perjury; but if taken, he who takes it must go against it, because it is no oath in the opinion of the Roman Catholic Church. With this as his postulate, Bishop England proceeds to explain what the direct action of this Church has been upon this important subject. He quotes Canon XVI. of the Third Lateran Council, which he calls "the legislature of the Church," wherein this sentence is found:

"For they are not to be called oaths, but rather perjuries, which are in *opposition to the welfare of the Church and the enactments of the holy fathers*." (*)

* "Non enim dicenda sunt juramenta, sed potius perjuria, que contra utilitatem ecclesiasticam et sanctorum patrum veniunt instituta."—*ibid.*, p. 158.

Then, addressing himself directly to Mr. Fuller, the bishop defends these

principles as follows:

"I need not inform you that the first obligation of every citizen is the law of God; the second is the constitution of his State; and as no form of oath could bind him to the violation of the divine law, so, *except the constitution of his State should conflict with the divine law*, no form of oath could bind him to violate that constitution; and should there be such a conflict, he is bound to the State in every other point save that in which the conflict exists: and his *exemption in this instance* arises from that sound maxim of legal interpretation that where two laws are in irreconcilable conflict, *that of the first or highest authority must prevail*. These are the principles which I have been taught from Roman Catholic authors, by Roman Catholic professors; they are the principles which I find recognized in all enactments and interpretations of councils in the Roman Catholic Church, from the council at Jerusalem, held by the apostles, down to the present day." ("Letters Concerning the Roman Chancery," pp. 162, 163.)

To make the matter so clear that no room for misapprehension should exist, he quotes from chapter xix. of the Roman Catholic catechism the following questions and answers:

"Q. What else is commanded by the second commandment?

"A. To keep our lawful oaths and vows.

"Q. What is forbidden by this commandment?

"A. All false, rash, unjust, and unnecessary oaths; also cursing, swearing, blaspheming, and profane words (Matt. v., 34; James v., 12).

"Q. Is it ever lawful to swear?

"A. It is: when God's honor, our own or our neighbor's good, or necessary defense, requires it.

"Q. What do you mean by an unjust oath?

"A. An oath injurious to God, to ourselves, or to our neighbor.

"Q. Is a person obliged to keep an unjust oath?

"A. No; he sinned in taking it, and would sin also in keeping it.

"Q. Is a person obliged to keep a lawful oath?

"A. Yes; and it would be perjury to break it.

"Q. What is perjury?

"A. The breaking of a lawful oath, or the taking of an unlawful one.

"Q. Is perjury a great crime?

"A. It is a most grievous one." ("Letters Concerning the Roman Chancery," pp.

190, 191.)

And then, summing up his argument and putting the doctrine in the most compact form, he says:

“My argument, sir, would have been more fairly put in this way: Man’s first duty is to observe the divine law; but the divine law requires that an oath shall bind when it is taken in truth, in judgment, and in justice, and that it shall not bind when either of these conditions is wanted. *The divine law is paramount to every other law, constitution, tribunal, or authority.* Therefore, no law, constitution, tribunal, or authority can allow a man to swear falsely, to swear in support of injustice, or to swear rashly, or injudiciously, or profanely. No tribunal, civil or ecclesiastical, can do what God himself could not do!—he cannot do what is incompatible with his divine attributes: the sanctioning of perjury would be incompatible therewith, and therefore no tribunal could sanction it.” (*)

* *Ibid.*, pp. 194, 195. This argument is found, as set forth in the text, in all Roman Catholic publications on the subject; but the manner in which Bishop England makes it is preferred on account of the authority which his name and office carry with them.

The language here employed by this distinguished prelate has the merit of simplicity and frankness, and it requires no critical analysis to understand its meaning. It lays down the following propositions as settled and established by the Roman Catholic Church:

1. An *unlawful* oath cannot be taken without perjury.
2. He who takes an unlawful oath is not obliged to observe it, but should go against it.
3. An oath cannot be a bond of iniquity; that is, in opposition to the divine law.
4. To be a binding oath it must have the three qualities of truth, judgment, and justice; the absence of either renders it no oath.
5. They are not oaths, but perjuries, which are *in opposition to the welfare of the Church, and the enactments of the holy fathers.*
6. The *first* obligation of every citizen is the law of God; the second is the Constitution of his State.
7. The obligation of a citizen to the constitution of his State is *only* binding when it does not conflict with the divine law.
8. The obligation of a citizen to the constitution of his state is *not binding* when it does conflict with the divine law.
9. The divine law is of higher authority than the law of the State, and must always prevail when they come in conflict.

10. A person is not obliged to keep an *unjust* oath; he sinned in taking it, and would sin also in keeping it.

11. An oath is not binding when it lacks the element of either justice, judgment, or truth.

12. No law, constitution, tribunal, or authority can bind a man to act unjustly; God cannot even do it.

From this recapitulation it will be seen that in order to determine upon the binding obligation of an oath, it is necessary, in any given case, to understand its character. If it is unlawful, it is not binding. To this, as an abstract proposition, there may be no special objection; but the difficulty lies in agreeing upon what is lawful and what unlawful. Let us give the doctrine a practical application as it is understood by those whose minds are trained in papal polemics.

Having separated the Church from the State, and made the latter entirely independent of the former, we have provided in our National Constitution that it and all the laws passed pursuant to it are "the supreme law of the land," binding alike upon all citizens. In order, therefore, to decide whether the oath of naturalization is or is not lawful, we look to the Constitution and the powers it confers upon Congress as the legislative department of the Government. By that instrument it is provided that Congress shall have power "to establish a uniform rule of naturalization"—thus leaving, in the legal or common mind, no sort of doubt about the legality of the oath of naturalization under our laws. Hence, in view of our Constitution and laws, such an oath is both lawful and of binding obligation. But, according to Bishop England, the Roman Catholic Church does not reason in this way. It goes behind the Constitution in order to inquire whether it violates the divine law or not; whether it is just or unjust; whether or not it is in opposition to the welfare of the Church and the enactments of the holy fathers; whether it is consistent, or inconsistent, with truth; and if it finds the Constitution lacking in any of these essential elements, whatever oath it shall authorize, looking to any of these ends, or in any way bearing upon them, is unlawful, and not binding. Recognizing no other form of government as consistent with the divine law, except that which keeps the State and the Church united, it, of course, measures all laws by the standard of the divine law, and regards as invalid and not binding all such as do not come up to that standard. It receives the divine law from itself—that is, from the pope as God's only infallible representative upon earth; and whatsoever constitution or law shall be found opposed to its welfare is unlawful, and must not be obeyed. It searches the enactments of the holy fathers for precedents by which to decide upon the character of all existing institutions; and whatsoever they shall not sanction and approve must fall before its supreme authority. Let us apply these principles and rules more particularly to the subject in hand—our naturalization laws.

The oath of allegiance implies, necessarily, the obligation to support the Government and maintain its principles. In direct and express terms, it requires the support of the Constitution as the fundamental law; and the oath, in this form, is taken by every naturalized citizen. How does the Roman

Catholic Church, with the pope as its expounder of the divine law, look at this oath? Taking up the Constitution, it finds the following principles of government distinctly and emphatically set forth: the separation of Church and State, and the Church subordinated to the State, and required to obey its laws; the people made the source of all laws and of all political authority; the prohibition of any law respecting an establishment of religion, or interfering with the free exercise thereof; and the freedom of speech and of the press fully secured. How does it regard these provisions? In every form in which it can authoritatively speak, and especially through the mouths of a multitude of its most illustrious popes, it has declared that the divine law requires the Church and the State to be united, and the State to be subordinated to the Church, being required to obey its commands as the only mode of obeying God; that the people are incapable of self-government, and that it must declare what laws they shall, and what they shall not, obey; that the law of God commands "an establishment of religion," with the pope at its head, with sufficient power and authority to govern the world; that Christ established the Roman Catholic Church, and founded it upon the apostle Peter, making all other forms of religious belief heretical and sinful; and, therefore, that the "free exercise" of religious belief is violative of the divine law; and that the freedom of speech and of the press are "in opposition to the welfare of the Church," and tend to irreligion and infidelity, by giving license to free discussion, by inviting the exercise of individual reason and judgment in the formation of religious faith, and by stimulating the people to revolution, which is against the law of God, because violative of the "divine right of kings" to govern mankind. Looking upon the foregoing provisions of the Constitution of the United States in the light of these authoritative teachings, the Roman Catholic Church must, of necessity, regard each one of them as opposed to the divine law, the welfare of the Church, and the teachings of the holy fathers: such is the logical result of its mode of reasoning.

Hence, the Constitution of the United States, in so far as these principles are involved, is not binding upon the conscience of any who adhere to those doctrines of that Church which are dictated by the papacy. Hence, also, an oath to support these principles of the Constitution is perjury, and no oath at all, because it enjoins disobedience to the divine law. Hence, again, our naturalization oath is not binding upon the supporter of papal infallibility, because it obliges him to support principles which are opposed to the teachings of the pope and the Church, and which he is commanded to resist as the only mode of securing the favor of God. And, still further, it is the inevitable consequence of these papal doctrines—as announced by Bishop England, and involved in the recent dogma of papal infallibility—that not only these principles of our Constitution, but all other constitutions and laws which the pope shall declare to be in opposition to the law of God, "the welfare of the Church, and the enactments of the holy fathers," must be resisted by all who hope for the approbation of the Church, and expect salvation in the world to come; thus making all human institutions dependent upon the will of a single man—upon whomsoever shall, for the time being, be the "King of Rome!"

It is altogether probable that Bishop England did not foresee the ultimate

tendency of the doctrine he defended with so much learning and ability; for at the time of his controversy with Mr. Fuller, the doctrine of papal infallibility was not recognized as a part of the faith of the Roman Catholic Church, and its hierarchy in the United States had not become sufficiently bold to avow their support of it, or openly to assume, as they now do, a defense of the principles and enormities of the Jesuits or ultramontaines of Europe. They were "biding their time"—waiting for the accumulation of such strength as would afford some promise of ultimate victory, and therefore spoke upon all the delicate subjects touching the papal power and prerogatives with suppressed voice and "bated breath."

But there were observant eyes in Europe constantly watching the progress of events in the United States; for it has become almost a proverb that Jesuitism never sleeps. Those who possessed a vision keen enough to see that the American hierarchy were well versed in the law of obedience, served a valuable purpose to the pope by influencing him to advance his claims and pretensions, so as to educate the whole Roman Catholic world up to the position it now occupies.

Books setting forth these claims and pretensions, some covertly, others openly, multiplied in every direction. Among the authors of these none won more distinction than the Rev. J. Balmez, a Roman Catholic priest of Spain, who was the author of a work which exhibits great power, learning, and erudition, by which he designed to show that the world is far more indebted to "Catholicity," as he calls it, than to Protestantism for its present advanced civilization. This work, originally in Spanish, was soon translated into French, and then into English, so that a large circulation should be secured for it. It was published in the United States by the Roman Catholic publishing houses, and was commended in the highest terms by the authorities of the Church. In the preface to the American edition the author is spoken of as one who "has supplied the age with a work which is peculiarly adapted to its wants, and which must command a general attention in the United States." The Roman Catholic is especially referred to it as furnishing reasons why he should "admire still more the glorious character of the faith which he professes;" and the Protestant is kindly informed that it "will open his eyes to the incompatibility of his principles with the happiness of mankind." (*)

* "Protestantism and Catholicity compared in their Effects on the Civilization of Europe," by Balmes, p. v. of Preface to the American edition. Published by John Murphy & Co., Baltimore, and by George Quigley, Pittsburgh, 1851. It is worthy of note that Archbishop Bayley, of Baltimore, who has deemed an effort to break the force of Mr. Gladstone's late pamphlet necessary in this country, as Archbishop Manning did in England, has referred to this author as uttering authoritatively the true doctrines of the Church. In his letter of November 17th, 1874—published in most of the leading papers—he says: "When I find time I will write to you more at length, and recommend to you certain works to read which will show you more fully how little our theologians or political writers, like De Maistre, or De Bonald, or Balmez, have entertained any of the nonsense which Mr. Gladstone falsely attributes to us."

This book was written in order to counteract the "pernicious influence

exerted among his countrymen by Guizot's lectures on European civilization." (*Ibid.*, p. ix.) But there were special objects designed to be accomplished by it, which were very distinctly and emphatically avowed. It is said, for example, that the pope "is the best guide of men in the path of liberty and progress," and that the present pontiff, Pius IX., "shows a profound knowledge of the evils which afflict society." ("Protestantism and Catholicity compared in their Effects on the Civilization of Europe," by Balmes, p. xi.) It was manifestly intended to aid in laying the groundwork upon which the structure of papal infallibility was to be erected.

In a work so highly commended as this is to American readers, one would scarcely expect to find a labored effort to prove that the oath of allegiance to our Government, taken by a Roman Catholic, amounts to nothing, and has no binding obligation, *when the welfare of the Roman Catholic Church requires it to be disregarded*. But those who prepared it for publication here understood perfectly well the character of the persons into whose hands it would mostly fall, and that their minds were easily impressed by anything, however extravagant or preposterous, put forth authoritatively in behalf of their Church. And they did not miscalculate, as we may infer from the fact that in the United States the dogma of infallibility has been accepted with greater unanimity and more readily than in any other country in the world—a fact which renders an exposition of the teachings of this book, and others like it, not only interesting and instructive, but of more than ordinary importance, as well as significance.

This author has a chapter upon "Resistance to the Civil Power," in which, after the necessary preliminary discussion, he begs his readers to "bear in mind the general principles at all times inculcated by Catholicity, viz., the obligation of obeying legitimate authority." (*Ibid.*, ch. liv., p. 325.) In order to make the desired application of this principle, and to explain what he means by legitimate authority, he puts and answers a most pertinent question, as follows: "In the first place, *Are we to obey the civil power when it commands something that is evil in itself? No, we are not*; for the simple reason that what is evil in itself is forbidden by God: now, we must obey God rather than man." (*Ibid.*, p. 326.)

He does not stop here to explain what is and what is not evil, but proceeds as follows: "In the second place, *Are we to obey the civil power when it interferes in matters not included in the circle of its faculties? No*; for with regard to these matters it is not a power." ("Protestantism and Catholicity compared in their Effects on the Civilization of Europe," by Balmes, ch. liv., p. 326.)

In order that there may be no misapprehension of his meaning, he then points out the distinction between the temporal and the spiritual power, and insists upon the independence of the latter with respect to the former. In his view, the Church must be left by the State perfectly free to act for itself, in all matters within the spiritual jurisdiction. It must in no sense be subject to the laws of the State, because that would impair its freedom. And whenever the State undertakes to subject the Church to its laws, it passes beyond "the circle of its faculties." He then continues:

"Ever since the foundation of the Church, this principle of the independence of the spiritual power has at all times served, by the mere fact of its existence, to remind men that the rights of the civil power are limited; that there are things beyond its province—cases in which a man may say, and ought to say, *I will not obey.*" (*Ibid.*)

Satisfied with his argument to maintain and enforce these propositions—and it undoubtedly displays great ingenuity and ability—he reverts to his original question, and repeats what he had already said, but in more expressive terms, thus: "It remains, then, established that we are to be subject to the civil power so long as it does not go beyond its proper limits; but that the Catholic doctrine never enjoins obedience when the civil power oversteps the limits of its faculties." (*Ibid.*, p. 328.)

He adopts the general and commonly accepted definition of unjust laws, such as are against the common welfare, public policy, etc., in regard to which nobody would enter into controversy with him. But he goes beyond this, and finds other laws equally unjust, because of their opposition to the divine law. He says: "Laws may also be unjust in another point of view, when they are contrary to the will of God; as the laws of tyrants enforcing idolatry, or anything else contrary to the 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, 'We must obey God rather than man.'"

("Protestantism and Catholicity compared in their Effects on the Civilization of Europe," by Balmes, ch. liv., p. 328.)

Having thus established his premises, he lays down, as the logical result of the doctrines maintained by the Roman Catholic Church, these rules: "1. We cannot, under any circumstances, obey the civil power when its commands are opposed to the divine law. 2. When laws are unjust, they are not binding in conscience. 3. It may become necessary to obey these laws from motives of prudence, that is, in order to avoid scandal and commotions." (*Ibid.*)

These are the principles upon which he is rejoiced to know that "the admirable institution of European monarchy was founded;" principles which he thinks it the duty of the Roman Catholic Church to maintain throughout the world, because, as he says, they constitute "the moral defenses by which that monarchy is surrounded." He thinks the minds of men are already sufficiently "wearied with foolish declamations against the tyranny of kings," and would bring back to these salutary principles all such governments as have departed from them. (*Ibid.*, p. 330.)

These principles are the same, substantially, with those laid down by Bishop England, and, if applied in this country, would test all our civil institutions by their conformity to the divine law. We have established our Government upon the theory that God recognizes the personality of each individual, and will deal with him accordingly. Therefore the conscience of every man is left free, that he may maintain whatsoever religious belief it shall approve. Necessarily, in order to establish and preserve this great principle, every individual and all Church organizations are required to obey the laws of the State. The spiritual power is not made independent of the temporal, but, in so far as the authority to enact the necessary laws for the

public good is concerned, the temporal power is made independent of the spiritual. In all else the spiritual power is left unimpaired; that is, it is left independent within its proper spiritual sphere.

But according to the papal doctrine, as announced by this distinguished author, this places our Government in the condition of having transcended the proper "limits of its faculties," of having violated the divine law, and of requiring certain obligations of obedience from every citizen which cannot be yielded by those who obey the papacy without disobedience of the fundamental principles of their Church organization. He insists that the Government shall be arraigned at the bar of the papacy, where it shall be judged by the divine law; that the pope alone, as God's vicegerent, is the only proper and infallible interpreter of that law, and that whatsoever principle of the Government he shall declare to be unjust or heretical shall have no binding obligation upon the conscience of any Roman Catholic.

Already the present pope has declared that, in order that a government shall conform to the divine law, the State and the Church must be so united that the State shall obey the Church; that the ecclesiastical or hierarchical body must govern itself by its own laws, and not be governed by, or answerable to, the laws of the State, even for crime; that there must be but one form of religion, and that the religion of Rome; that all other forms of religion except that of Rome, including the Protestantism of the United States, are heretical, and ought to be annihilated; that freedom of speech and of the press and of conscience are all inconsistent with the "divine right of kings" to govern, and, therefore, should not be tolerated or allowed; that the present "progress" of the nations, which we attribute greatly to the influence of our example, must be arrested, and the world turned back to the medieval times; that he must be recognized as the only just and infallible expounder of the Word of God, and as incapable of error in all matters of faith and morals; that all mankind must obey him, in faith and morals, because he stands upon earth in the place of God; and that the Church, whose tremendous power is concentrated in his hands, may employ *force* whenever he shall deem it necessary to exact obedience as the means of reaching these results.

All these things are openly and distinctly avowed in his Encyclical and Syllabus; are set forth in books, pamphlets, newspapers, and tracts of immense circulation; and are foreshadowed by the persistent movements of the Roman Catholic hierarchy all over the world. And it requires but an ordinary amount of intelligence to see that if the time should ever come when these principles shall obtain the ascendancy in the United States, it must be, necessarily, at the expense of the fundamental and most cherished principles of our Government, the very principles whose protection the Roman Catholic emigrants from Europe professedly desired to secure when they abandoned their citizenship among the effete monarchies of the Old World and hopefully acquired it in the New.

But, in order to demonstrate the legitimate use of the right of resistance to civil authority, this Jesuit author explains the "Catholic doctrines" in relation to *de facto* governments, that is, governments existing by what he calls a "consummated act," whether of revolution or otherwise, and in the

actual possession of all necessary power. That these doctrines may be comprehended, it is necessary to keep in mind that, according to the teachings of Rome, governments *de facto* are those which have been established by the people upon the overthrow of the kingly authority—which is considered the only legitimate authority. Governments *de jure* are such as are based upon the law of God, with kings at their head, who shall obey the pope as the highest authority upon earth. In this view, all Roman Catholic monarchies are governments *de jure*, and therefore legitimate; while all popular republics are governments *de facto*, and therefore illegitimate. Kings must always rule; *the people*, never.

Hence, the old Roman Catholic monarchy of Spain, overthrown a few years ago, was a government *de jure*, to which implicit and passive obedience was due. Hence, also, the Government of the United States is a government *de facto*, because it was the offspring of revolution, and was substituted in place of a monarchy. And hence, again, the latter is an illegitimate government, borne with by the papal hierarchy for a while, only “from motives of prudence,” but subject to resistance and overthrow, to make room for a government *de jure*, or a legitimate government, whenever the interest and welfare of the papacy shall require it, and the result can be made certain. It is wonderful how surely all Roman Catholic authors and publicists who adopt the Jesuit or ultramontane views argue within such circles as bring them inevitably to these conclusions. This author shows that they are the only logical deductions from their mode of reasoning.

Asking the question, How far do “Catholic doctrines” extend on the subject of resistance to the civil power “by physical force?” he proceeds at once to combat and deny the proposition that “obedience is due to a government from the very fact of its existence.” This he calls unsound doctrine, “which is contrary to right reason, and has never been taught by Catholicity.” (“Protestantism and Catholicity compared in their Effects on the Civilization of Europe,” by Balmes, ch. lv., p. 330.)

Whenever, according to him, the Roman Catholic Church speaks of obedience “to the powers that be,” it has reference to “powers that have a legitimate existence.” Why? Because, says he, “the absurdity that a simple fact can create right can never become a dogma of Catholicity;” (*Ibid.*) that is, the papacy asserts the right to go behind the fact that a government exists, and inquire whether it is or is not legitimate; whether, in other words, it is *de facto* (existing in actuality, especially when contrary to or not established by law.) or *de jure*; (according to law) and if it is found to be *de facto* merely, it may be resisted, because otherwise it would be the concession to an illegitimate government of “a right to command,” which would be to legitimize usurpation. (*Ibid.*) Therefore he argues “that no reasonable man can seriously accept” such a doctrine as that “of consummated facts” as applied to governments. Yet, remembering what he had just said about not resisting existing governments “from motives of prudence,” he continues:

“I do not deny that there are cases in which obedience, even to an illegitimate government, is to be recommended; when, for instance, we foresee that resistance would be useless, that it would only lead to new disorders, and to a greater effusion of blood: but in recommending prudence to the

people, let us not disguise it under false doctrines—let us beware of calming the exasperation of misfortune by circulating errors subversive of all governments, of all society.” (“Protestantism and Catholicity compared in their Effects on tile Civilization of Europe,” by Balmes, ch. lv., p. 331.)

It is a favorite idea with all the supporters of the papacy—most persistently maintained—that whenever society gets from under the influence and control of the Roman Catholic Church, it necessarily runs into heresy, infidelity, anarchy, and all that sort of thing. They repudiate everything like middle or conservative ground, and seem to be utterly unconscious of their intolerant and partisan excesses, as well as of the fact that it is only the progressive influence of Protestantism which has lifted the nations out of the darkness and superstition into which they were sunk during the Middle Ages. We ought not to be surprised, therefore, at finding this recognized and authoritative propagator of “Catholic doctrines” falling into this error, and talking about the subversion of all governments and of all society, whenever they refuse obedience to the pope and his hierarchy.

The standard he sets up recognizes only Roman Catholic governments and society!—for from them alone does he suppose all human advancement and prosperity to spring. All else is evil—and that continually. Yet he prudently recommends that this evil, terrible as it is in its consequences both in this life and that which is to come, be endured, wherever “resistance would be useless,” because such resistance would be but “the exasperation of misfortune.” Still, however, this “prudence” must not be practiced at the expense of truth—it must not be disguised “under false doctrines”—but the true “Catholic doctrines” should be proclaimed, so that the power shall be preserved by the papacy to upturn and destroy all illegitimate governments whenever resistance can be successfully resorted to, and establish legitimate governments in their places! This was the real design of the publication of this book in Europe in two languages; a design manifestly sympathized with, if not openly avowed, by its American publishers, when they professed to regard it as having “supplied the age with a work which is peculiarly adapted to its wants.” (“Protestantism and Catholicity compared in their Effects on the Civilization of Europe,” by Balmes, Preface to American edition, p. v.)

He finds no difficulty in arguing out of the way the Scriptural teaching that the civil authority must be obeyed: this merely furnishing him a field for the display of Jesuit ingenuity. “Illegitimate authority,” says he, “is no authority at all;” because “power involves the idea of right,” and where no right exists, there is only force. Therefore, he argues, “when the Scriptures prescribe obedience to the authorities, it is the *lawful* authorities that are implied.” (*Ibid.*, ch. lv., p. 332.)

Again, the kind of civil power to which the Scriptures enjoin obedience upon us is that “ordained by God himself,” that which “is the minister of God himself,” which a usurped and illegitimate government can never be, and which none but a Roman Catholic government can be! And, again, the obedience to the civil power prescribed by the Scriptures is the same as that prescribed “to the slave in relation to his master;” it exists only where there is a “legitimate dominion.” If the slave is unjustly held in servitude, he may rebel against the authority of his master; but if justly held, he may not.

So, if the civil authorities be not lawful—that is,” ordained by God himself”—as the pope shall declare his law—no obedience to them is required, except that “which prudence would dictate;” and they must, therefore, be endured as a “misfortune” until resistance can be made successful! Whatever process of reasoning he adopts, he reaches always the same conclusion. He keeps always within his prescribed circle; but, whether it be large or small, he never fails to terminate at the point most prominently before him, and most indelibly fixed upon his mind—the illegitimacy of all governments not based upon the divine law—meaning, of course, the divine law as the infallible pope shall declare it!

Conscious of the opposition to these “Catholic doctrines” of the practice of the early Christians, who always submitted to the ruling authority of the Government without concerning themselves about the temporal power, he endeavors to point out the “futility” of their position, by insisting upon a distinction between the state of things existing then and that existing in our day. In these early centuries, according to him, “all that upright men could do was quietly to resign themselves to the calamitous circumstances of the times, and by fervent prayer to implore the Almighty to take compassion on mankind.” (“Protestantism and Catholicity compared in their Effects on the Civilization of Europe,” by Balmes, ch. lv., p. 332.)

But now, since the number of Christians has increased so that they have become a controlling power in the world; since they have, in many instances, overturned governments, and may do so again whenever circumstances make it prudent to attempt it, he admonishes the faithful adherents of the papal cause to husband their resources, and submit prudently, for a while, to illegitimate rule; but, in the mean time, to prepare to strike when the proper hour shall arrive! He cautions them, first, to be sure that the government at which they strike is illegitimate—a question which now, since the dogma of infallibility, belongs to the pope alone to decide. Then, second, they should have in view the substitution of a lawful power, which, of course, the pope also decides. And, third, they “should count besides on the probability of the success of their enterprise;” a matter which involves prudential considerations alone. In the absence of “these conditions,” there would be “no object” accomplished; it would be “a mere fruitless attempt, an impotent revenge;” it would only cause “bloodshed,” only incense and “irritate the power attacked,” and have no other result than “to increase oppression and tyranny.” (*Ibid.*, ch. lv., p. 332.)

An Archbishop of Palmyra had published a work upon the Church Militant, in which he maintained that when Christ commanded his followers to “render to Caesar the things that are Caesar’s,” he meant “that the mere fact of a government’s existence is sufficient for enforcing the obedience of the subjects to it;” that is, he established the doctrine “of consummated facts.” But this he calls a “fallacy,” and declares that this work of the archbishop “was forbidden at Rome” by the “Sacred Congregation!” a decree, he says, in which “every man who is jealous of his rights”—that is, all the defenders of papal infallibility—will acquiesce. (“Protestantism and Catholicity compared in their Effects on the Civilization of Europe,” by Balmes, ch. lv., p. 333.)

Keeping in mind his prudential argument, and suggesting that “the

interference of Christians in political disputes" would only bring their holy religion into disrepute, in the event that they should fail of success, he surmounts the difficulty arising out of "consummated facts" by repeating his argument that they must be legally consummated before the obligation of obedience can arise out of them. And then, by way of a practical application of these "Catholic doctrines," he continues:

"Hence, in a political and social sense, we designate consummated facts a *usurpation*, completely overthrowing the legitimate power, and by means of which the usurper is already substituted in its place; a measure executed in all its points. Such is the suppression of the regular clergy in Spain, and the confiscation of their property to the treasury; a revolution which has been triumphant, and which has entirely disposed of a country, as was the case with our *American* possessions." (*Ibid.*, ch. lv., p. 334.)

This is the culmination of this distinguished author's theory—of the "Catholic doctrines" of which he is the able and eloquent expounder. It reaches the point to which everything is now pressed by the defenders of papal infallibility—that is, to the point of revolution. Recognizing no other form of government except the monarchical as consistent with the divine law, Pope Pius IX. and his hierarchy do not hesitate to declare, in the face of the world's progress, that every other form of government is revolutionary and usurpation. Therefore these "Catholic doctrines" are put forth by one of the most eloquent men in the Church, to show that all revolutionary governments are *unlawful*, and that although prudence may dictate obedience to them for a season, yet that, as they confer no *right* whatever, they may be destroyed, and *lawful* governments erected in their places whenever it can be done without the infliction of too much harm upon the attacking party! And therefore, in order that the prudential submission to a revolutionary government for the present may not be disguised "under false doctrines," the teachings of this author are translated into English, published in the United States, and circulated among our Roman Catholic population, avowedly upon the ground that they are "peculiarly adapted" to the wants of the present age!

The Government of the United States had its origin in revolution. Our fathers cut with the sword the cord which had bound the American colonies to one of the monarchies of Europe. Believing their cause to be just, they appealed to God for the protection of his providence, and we believe that they won their success under that protection. They snatched liberty—civil and religious—from those princes of the Old World who had managed to keep their feet upon the necks of all who desired to enjoy it, and thus elevated the inhabitants of this country to a condition of prosperity and happiness which has no parallel in all the ages of the past. They built up a government which secures, in a higher degree than any other government on earth, all the rights and immunities of citizenship. They recognized the common brotherhood of man, and opened their arms to the oppressed, persecuted, and down-trodden of the world, inviting them to come and share with them the blessings of free and popular institutions. Millions of them, who were the slaves of political and ecclesiastical tyranny in the countries of their birth, are now in this country, and have already experienced the improvement of their condition—have acquired a new and more invigorating manhood. Of these there are thousands

who love our Government with fervid intensity—who have defended its honor and its flag when they have been attacked, and are ready to do so again, to the very death, if necessary.

But there are others—no matter whether they may be counted by hundreds or thousands—who accept, with seeming acquiescence, the idea that they shall subordinate their patriotism to the Government to their devotion to the papacy; and who appear content to be recognized as maintaining, with their hierarchy, that the Church is higher and more potent than the State—even within the constitutional domain of the State. They are invited, by the most earnest and pathetic appeals, to love the Church first, the State second, and then only as the Church shall decree; and to merge their responsibility to the laws in their responsibility to the pope.

The laws of this country do not interfere with the religion of any of these; nor can they do so. They leave each individual conscience free, so that the citizen shall act upon his own responsibility to God. All our Protestant institutions assume that each of us may enjoy a pure Christian faith without ingrafting upon it any of the principles of civil polity which are confided to the State. They will not allow the State to invade the rightful jurisdiction of the Church, and declare what the faith shall be; nor will they submit to any impairment of the legitimate functions of the State by the Church. The line which separates these jurisdictions cannot be obliterated without marring the beauty of the one and assailing the integrity of the other. The Church and State must be kept apart—each in its own proper sphere.

Therefore, our Roman Catholic fellow-citizens, for themselves as well as Protestants, have the deepest interest in having these questions properly and satisfactorily solved: What is the design of those hierarchs who claim to be their sole and exclusive teachers, no less in the domain of social and political morality than in that of religious faith? Are they endeavoring to extend their spiritual jurisdiction beyond the limits fixed by our laws, and to trench upon the civil jurisdiction as marked out and defined? Does the pope claim for himself a jurisdiction over them, as citizens, superior to and above that of the State? Does he or not recognize as a legitimate fact our separation of Church and State? Does he expect of them to resist those principles of our Government which he shall declare to be contrary to God's law, or against the welfare and interest of the Church? Does he demand of them, by virtue of his asserted infallibility, to enlarge the circle of their religious faith, so as to include within it any of the essential principles of our civil polity? Does he require them, as any part of their religion, to test their obedience to our laws by their conformity to the Constitution, or to his will? Which does he command them to obey, the civil laws of the State or the canon laws of the Church, in case of conflict between them? Which allegiance does he consider the highest, that which they owe to the Government of the United States, or that which they owe to the ecclesiastical government constructed by the Roman pontiffs?

In so far as the pope is concerned, every intelligent man who has taken the trouble to investigate understands the answers to all these questions. In so far as they are concerned, the time has come when they can no longer defer to answer them for themselves.

Continued in [Chapter XIX. The Claimed Rights of the Papacy Over Governments](#)